

## Ackerman, Mark

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**From:** Ackerman, Mark  
**Sent:** Wednesday, August 28, 2013 8:44 AM  
**To:** chess@idem.IN.gov; sjordan@idem.in.gov  
**Cc:** Kuefler, Patrick; McKim, Krista  
**Subject:** FW: Comments on ING490000 Sand and Gravel General Permit

Catherine, Sheri,

I recently had an opportunity to discuss the sand and gravel permit with one of my colleagues who specializes in mining. Based on our discussion I have one more comment based on the following federal regulations:

122.21(g)(7)-Application requirements for existing manufacturing, commercial, mining, and silvicultural discharges-Effluent Characteristics

122.28(a)(3)-General Permits, Coverage, Water quality-based limits

122.44(d)-Water quality standards and State requirements

The use of a general permit does not preclude the need to appropriately protect water quality standards. Effluent characteristics for this industry are not well defined or addressed in the draft general permit or Fact Sheet. Due to the nature of mining operations, characteristics will vary based on the geology local to each project, but would also have many similarities looking within a region or specific deposit. IDEM must require the permit applicants, including first time applicants and those seeking to renew coverage, to collect data to characterize the waste stream and inform future permitting actions. For your information, MPCA's general permit for non-metallic mining (MNG490000, reissued November 2011), contains the following provision, intended to characterize the discharge, in Chapter 1, Section 8.20:

The following parameters shall be sampled and analyzed prior to permit expiration and submitted with the application for permit re-issuance. Samples shall be representative of mine dewatering discharge activity, and must comply with Sections 9.14, 9.16 and 9.17 of this permit:

- a. Total Dissolved Solids.
- b. Hardness.
- c. Oil & Grease and surfactants.
- d. Antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, and zinc.
- e. Aluminum, barium, boron, cobalt, iron, magnesium, manganese, molybdenum, total tin, and total aluminum.

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**From:** Ackerman, Mark  
**Sent:** Friday, August 16, 2013 2:58 PM  
**To:** chess@idem.IN.gov; 'sjordan@idem.in.gov'  
**Cc:** Kuefler, Patrick  
**Subject:** Comments on ING490000 Sand and Gravel General Permit

Catherine, Sheri,

I reviewed the draft permit and fact sheet for ING490000 (Sand and Gravel General Permit) based on prior comments provided, and the following regulations regarding fact sheets, general permits, and effluent limitations:

40 CFR 124.8-Fact Sheet  
40 CFR 124.56-Fact Sheets  
40 CFR 122.28-General Permits  
40 CFR 122.45-Calculating NPDES permit conditions

Following are some comments on the fact sheet and permit. Please contact me if you have any questions.

1. Fact sheet Section E. Suggest acknowledging that in addition to the eligibility criteria in Section A, to be eligible for permit coverage applicants must also not be precluded from coverage due to the exclusions in Section D.
2. 124.8(b)(2) requires that the fact sheet include the type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged. The fact sheet identifies the type of waste (wastewater from sedimentation treatment basins from sand, gravel, dimension stone, and crushed stone operations), but does not quantify the amount. Please revise the fact sheet to include the low/high range of flows that are representative of these types of discharges.
3. 40 CFR 122.45(d)(1) requires effluent limitations for continuous discharges be expressed as maximum daily, and monthly average. The effluent limit for TSS is expressed as a weekly average. Please revise the TSS limit to be consistent with the 40 CFR 122.45(d)(1) requirement. If the TSS limit was set based on the discharge not being a "continuous discharge" as that term is defined in 40 CFR 122.2, we suggest revising the fact sheet to include justification describing why the limit was set as a weekly average instead of a daily max and monthly average.

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